

1 THE HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MICROSOFT CORPORATION,

10 Plaintiff,

11 vs.

12 MOTOROLA, INC., et al.,

13 Defendants.

14 MOTOROLA MOBILITY LLC, et al.,

15 Plaintiffs,

16 vs.

17 MICROSOFT CORPORATION,

18 Defendants.

Case No. C10-1823-JLR

**DECLARATION OF T. ANDREW
CULBERT IN SUPPORT OF
MICROSOFT'S RESPONSE TO
RESEARCH IN MOTION'S MOTION
TO SEAL TERMS OF PATENT
LICENSE AGREEMENTS AND TO
DENY MICROSOFT IN-HOUSE
COUNSEL ACCESS TO THE
AGREEMENTS**

Noted: November 9, 2012

I, T. Andrew Culbert, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am an attorney duly licensed to practice in the State of Washington. I am currently Associate General Counsel in the Legal and Corporate Affairs (LCA) department at Microsoft Corporation. I have personal knowledge of the facts stated herein, and if called as a witness I could and would testify competently thereto.

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1 2. In my position within Microsoft's litigation department, I am not involved in
2 decisions concerning product pricing, the development of Microsoft's products and services,
3 the marketing of Microsoft's products and services, or other similar business activities. I do
4 not regularly participate in patent or other intellectual property licensing negotiations on behalf
5 of Microsoft outside of the context of settlement discussions in litigation matters.

6 3. I have executed Attachment A to the protective order entered in this action. A
7 true and correct copy of that Attachment A bearing my signature is attached hereto as Exhibit
8 A.

9 4. Microsoft is a large company with tens of thousands of employees and hundreds
10 of in-house counsel. My responsibilities as a member of Microsoft's litigation department are
11 primarily to oversee and manage litigation involving Microsoft. This includes overseeing and
12 managing the activities of outside litigation counsel retained by Microsoft.

13 5. Along with my colleague, David Killough, I am the Microsoft in-house attorney
14 primarily responsible for managing the pending litigation between Microsoft and Motorola in
15 the Western District of Washington. I have been intimately involved in the litigation of the
16 present case since its inception, and expect to continue to play an integral role through trial in
17 both the development and execution of overall strategy.

18 6. As in-house counsel at Microsoft, my job responsibilities include providing
19 legal advice and guidance, but do not include developing business strategy, pricing, marketing
20 strategies, or product design and development.

21 7. I am not directly involved in the drafting or prosecution of patent applications
22 on behalf of Microsoft.

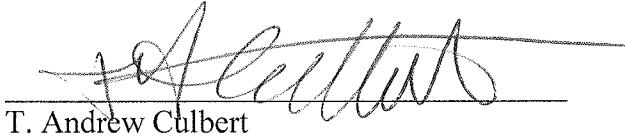
23 8. I am not an officer of, or member of the board of directors of, Microsoft.
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25

**DECLARATION OF
T. ANDREW CULBERT- 2**

LAW OFFICES
CALFO HARRIGAN LEVH & EAKES LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL, (206) 623-1700 FAX, (206) 623-8717

1 I declare under the penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct.

3 DATED this 7th day of November, 2012 in Redmond, Washington.

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6 T. Andrew Culbert
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**DECLARATION OF
T. ANDREW CULBERT- 3**

LAW OFFICES
CALFO HARRIGAN LEYH & EAKES LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL, (206) 623-1700 FAX, (206) 623-8717

CERTIFICATE OF SERVICE

I, Linda Bledsoe, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
 2. On the 7th day of November, 2012, I caused the preceding document to be served on counsel of record in the following manner:

Attorneys for Motorola Solutions, Inc., and Motorola Mobility, Inc.:

Ralph Palumbo, WSBA #04751
Philip S. McCune, WSBA #21081
Lynn M. Engel, WSBA #21934
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Steven Pepe (*pro hac vice*)
Jesse J. Jenner (*pro hac vice*)
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**DECLARATION OF
T. ANDREW CULBERT- 4**

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DATED this 7th day of November, 2012.

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**DECLARATION OF
T. ANDREW CULBERT- 5**

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EXHIBIT A

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1 Attachment A

2
3 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

4
5 MICROSOFT CORPORATION, a
Washington corporation,

Case No. 10-1823

6 Plaintiff,

7
8 vs.
9
10 MOTOROLA, INC., MOTOROLA
MOBILITY, INC., and GENERAL
INSTRUMENT CORPORATION;

11 Defendants

12
13
14 CONFIDENTIALITY AGREEMENT
PURSUANT TO PROTECTIVE ORDER

15 I, J. Andrew Culbert, hereby certify that I have read the Protective Order
16 Regarding the Disclosure and Use of Discovery Materials (the "Order") in the above-captioned
17 case, that I agree to comply with the Order in all respects, and that I hereby submit and waive
18 any objection to the jurisdiction of the United States District Court for the Western District of
19 Washington for the adjudication of any dispute concerning or related to my compliance with
20 the Order.

21
22 I understand and agree, in particular, that any Confidential Business Information and
23 any copies, excerpts, or summaries thereof, as well as any knowledge or information derived
24
25

PROTECTIVE ORDER REGARDING THE
DISCLOSURE AND USE OF DISCOVERY
MATERIALS - 20

LAW OFFICES
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1 from any of the aforementioned items, may be used solely for purposes of this litigation and
2 may not be used for any other purpose, including without limitation, and business, commercial
3 or academic purpose.

4 I further understand and agree that failure to abide fully by the terms of the Order may
5 result in legal action against me, including being held in contempt of court and liability for
6 monetary damages.
7

8 Signature: 

9 Please print or type the following:

10 Name: _____
11 Title and Affiliation: _____
12 Address: _____
13 Telephone: _____
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